

New York State
Racing and Wagering Board

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**NYS RACING & WAGERING BOARD ISSUES EMERGENCY RULE VOIDING
CLAIMS FOR HORSES THAT DIE DURING RACING**

New York Task Force on Racehorse Health and Safety's work underway

The New York State Racing and Wagering Board today issued an emergency rule that voids claims in the event that a claimed horse dies during a race or is euthanized on the track following a race.

The rule is the first in a series of actions being undertaken by the Board as a result of its analysis of the 21 equine fatalities that occurred during Aqueduct's inner-track meet between November 30, 2011 and March 18, 2012.

"This rule change emphasizes the fact that claiming races cannot be dumping grounds for unsound horses," Racing and Wagering Board Chairman John D. Sabini said. "The tradition of authorizing claims even when a horse dies is no longer acceptable. The Racing and Wagering Board will continue to review the circumstances and data relating to these fatalities to determine if there should be additional actions to protect racehorses."

The amendment to rule 4038.5, which will go into effect immediately, will read in part: "a claim shall be void for any horse that dies during a race or is euthanized on the track following a race." The full rule is at the end of this release.

The Board is continuing its internal review of the circumstances regarding the rise in the number of equine fatalities at Aqueduct during its inner track meet. More actions and rule changes, including enhancements to this emergency rule, may be introduced in the near future.

Additionally, this week, the New York Task Force on Racehorse Health and Safety requested a multitude of information and data pertinent to its own investigation from the Racing and Wagering Board and The New York Racing Association, Inc. (NYRA).

FULL TEXT OF RULE

(Deletions are bracketed and new text is underlined)

4038.5. Requirements for claim; determination by stewards.

(a) All claims shall be in writing, sealed in an envelope and deposited in a locked box provided for this purpose by the racing secretary or his designee, at least 10 minutes before post time. Claim slip forms must be completely filled out and must, in the judgment of the stewards, be sufficiently accurate to identify the claim, otherwise the claim will be void. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the association, must first deposit with the association the whole amount of the claim, in a manner approved by the racing secretary or designee for which a receipt will be given. All claims shall be passed upon by the stewards, and the person determined at the closing time for claiming to have the right of claim shall become the owner of the horse when the start is effected, whether it be [alive or dead,] sound or unsound or injured before or during the race or after it, except that:

i. the claim is voidable at the discretion of the new owner pursuant to the conditions stated in section 4038.18 of this subchapter unless the age or sex of such horse has been misrepresented, and subject to the provisions of subdivision (b) of this section; and

ii. a claim shall be void for any horse that dies during a race or is euthanized on the track following a race.

In the event more than one person should enter a claim for the same horse, the disposition of the horse shall be decided by lot by the stewards. Any horse so claimed shall then be taken to the test barn for delivery to the claimant after the test sample is taken.

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